

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Jack D. Lemmon

Serial No.: 10/688,718

Filed: October 17, 2003

Docket No.: M190.143.101

Title: PROSTHETIC HEART VALVE SIZER ASSEMBLY WITH FLEXIBLE SIZER BODY

REMARKS

This is responsive to the Final Office Action mailed March 12, 2007. Claims 20-22, 25-28, and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Love et al., U.S. Patent No. 6,678,962 ("Love") in view of Schoon et al., U.S. Patent No. 6,719,785 ("Schoon"). The Examiner's indication that claims 1-8, 1-19, 38, and 40-42 have been deemed allowable is noted with appreciation.

With this Response, claims 22-24 have been cancelled and claim 20 has been amended to include the limitations of now-cancelled claims 22-24. Claims 1-8, 12-31, 38 and 40-43 remain pending in the application and are presented for reconsideration and allowance.

Claim 20 has been amended to incorporate the features of now canceled claim 24 and intervening (and now canceled) claim 22. In light of the Examiner's indication that claim 24 recited allowable subject matter, it is respectfully submitted that claim 20 is now in a condition for allowance.

Claim 29 depends from claim 25 that in turn depends from claim 20. Claim 29 has previously been deemed as withdrawn in response to the species election requirement mailed January 28, 2005. For at least the above reasons, it is believed that claim 20 is in condition for allowance; as such, it is respectfully requested that claim 29 be considered and allowed.

Claim 31 depends from claim 20, and has previously been deemed as withdrawn in response to the species election requirement mailed January 28, 2005. For at least the above reasons, it is believed that claim 20 is in condition for allowance; as such, it is respectfully requested that claim 31 be considered and allowed.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-8, 12-21, 25-31, 38 and 40-43 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-8, 12-31, 38 and 40-43 are respectfully requested.

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Jack D. Lemmon

Serial No.: 10/688,718

Filed: October 17, 2003

Docket No.: M190.143.101

Title: PROSTHETIC HEART VALVE SIZER ASSEMBLY WITH FLEXIBLE SIZER BODY

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Timothy A. Czaja at Telephone No. (612) 573-2004, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

Dicke, Billig & Czaja, PLLC

Attn: MD Matters

Fifth Street Towers, Suite 2250

100 South Fifth Street

Minneapolis, MN 55402

Customer No. 63496

Respectfully submitted,

Jack D. Lemmon,

By his attorneys,

DICKE, BILLIG & CZAJA, PLLC

Fifth Street Towers, Suite 2250

100 South Fifth Street

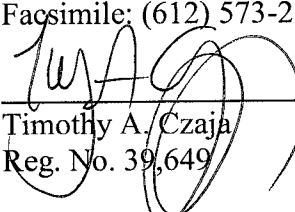
Minneapolis, MN 55402

Telephone: (612) 573-2004

Facsimile: (612) 573-2005

Date: May 14, 2007

TAC:jms



Timothy A. Czaja
Reg. No. 39,649